

Adopted	Rejected
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COMMITTEE REPORT

YES:	11
NO:	1

MR. SPEAKER:

*Your Committee on Public Health, to which was referred House Bill 1144, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 4-21.5-2-6, AS AMENDED BY P.L.1-2002,
- 3 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2003]: Sec. 6. (a) This article does not apply to the
- 5 formulation, issuance, or administrative review (but does, except as
- 6 provided in subsection (b), apply to the judicial review and civil
- 7 enforcement) of any of the following:
- 8 (1) Determinations by the division of family and children, **except**
- 9 **a determination under IC 12-17.2-7-2.**
- 10 (2) Determinations by the alcohol and tobacco commission.
- 11 (3) Determinations by the office of Medicaid policy and planning
- 12 concerning recipients and applicants of Medicaid. However, this
- 13 article does apply to determinations by the office of Medicaid

1 policy and planning concerning providers.

2 (4) A final determination of the Indiana board of tax review.

3 (b) IC 4-21.5-5-12 and IC 4-21.5-5-14 do not apply to judicial
4 review of a final determination of the Indiana board of tax review.

5 SECTION 2. IC 12-7-2-28.6 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 28.6. (a) "Child care
7 home", for purposes of IC 12-17.2, means a residential structure in
8 which at least six (6) children (not including ~~the children for whom~~
9 **who are related to** the provider) is a ~~parent, stepparent, guardian,~~
10 ~~custodian, or other relative~~) at any time receive child care from a
11 provider:

12 (1) while unattended by a parent, legal guardian, or custodian;

13 (2) for regular compensation; and

14 (3) for more than four (4) hours but less than twenty-four (24)
15 hours in each of ten (10) consecutive days per year, excluding
16 intervening Saturdays, Sundays, and holidays.

17 (b) The term includes:

18 (1) a class I child care home; and

19 (2) a class II child care home.

20 SECTION 3. IC 12-17.2-2-1 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. The division shall
22 perform the following duties:

23 (1) Administer the licensing and monitoring of child care centers
24 or child care homes in accordance with this article.

25 (2) Ensure that a criminal history background check of the
26 applicant is completed before issuing a license.

27 (3) Ensure that a criminal history background check of a child
28 care ministry applicant for registration is completed before
29 registering the child care ministry.

30 (4) Provide for the issuance, denial, suspension, and revocation of
31 licenses.

32 (5) Cooperate with governing bodies of child care centers and
33 child care homes and their staffs to improve standards of child
34 care.

35 (6) Prepare at least biannually a directory of licensees with a
36 description of the program capacity and type of children served
37 that will be distributed to the legislature, licensees, and other
38 interested parties as a public document.

(7) Deposit all license application fees **and registration fees** collected under section 2 of this chapter in the child care fund.

(8) Require each child care center or child care home to record proof of a child's date of birth before accepting the child. A child's date of birth may be proven by the child's original birth certificate or other reliable proof of the child's date of birth, including a duly attested transcript of a birth certificate.

SECTION 4. IC 12-17.2-2-2, AS AMENDED BY P.L.215-2001, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. The division may do the following:

(1) Prescribe forms for reports, statements, notices, and other documents required by this article or by the rules adopted under this article.

(2) Increase public awareness of this article and the rules adopted under this article by preparing and publishing manuals and guides explaining this article and the rules adopted under this article.

(3) Facilitate compliance with and enforcement of this article through the publication of materials under subdivision (2).

(4) Prepare reports and studies to advance the purpose of this article.

(5) Seek the advice and recommendations of state agencies whose information and knowledge would be of assistance in writing, revising, or monitoring rules developed under this article. These agencies, including the office of the attorney general, state department of health, division of mental health and addiction, bureau of criminal identification and investigation, and fire prevention and building safety commission, shall upon request supply necessary information to the division.

(6) Make the directory of licensees available to the public for a charge not to exceed the cost of reproducing the directory.

(7) Charge a reasonable processing fee for each license application and renewal as follows:

(A) For a child care center license, a fee of two dollars (\$2) per licensed child capacity.

(B) For a child care center new inquiry application packet, a fee not to exceed five dollars (\$5).

(C) For a child care home license new inquiry application packet, a fee not to exceed five dollars (\$5).

1 (D) For a child care home annual inspection, a fee not to
2 exceed twenty-five dollars (\$25).

3 **(8) Charge a processing fee not to exceed five dollars (\$5) for**
4 **registration of a license exempt child care provider under**
5 **IC 12-17.2-7.**

6 **(9)** Exercise any other regulatory and administrative powers
7 necessary to carry out the functions of the division.

8 SECTION 5. IC 12-7-2-123.5 IS ADDED TO THE INDIANA
9 CODE AS A NEW SECTION TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2003]: "**License exempt child care provider**"
11 **means a person who:**

12 **(1) is more than eighteen (18) years of age; and**
13 **(2) provides child care for at least one (1) child but less than**
14 **six (6) children who are not related to the person:**

15 **(A) while each child is unattended by a parent, legal**
16 **guardian, or custodian;**

17 **(B) for regular compensation; and**

18 **(C) for more than four (4) hours but less than twenty-four**
19 **(24) hours per day in each of ten (10) consecutive days per**
20 **year, excluding intervening Saturdays, Sundays, and**
21 **holidays.**

22 SECTION 6. IC 12-17.2-7 IS ADDED TO THE INDIANA CODE
23 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2003]:

25 **Chapter 7. Registration of License Exempt Child Care**
26 **Providers**

27 **Sec. 1.** A license exempt child care provider shall, on a form
28 approved by the division, register with the division not more than
29 thirty (30) days after the license exempt child care provider begins
30 to provide child care.

31 **Sec. 2.** If the division, after a hearing conducted under
32 IC 4-21.5-3, determines that a license exempt child care provider
33 has knowingly failed to register as required under this chapter, the
34 division shall assess against the license exempt child care provider
35 a civil penalty of one hundred dollars (\$100).

36 **Sec. 3.** Penalties assessed under section 2 of this chapter shall be
37 deposited in the child care fund established by IC 12-17.2-2-3.

38 **Sec. 4.** The division shall adopt rules under IC 4-22-2 to

1 **implement this chapter.**

2 SECTION 7. [EFFECTIVE JULY 1, 2003] **Notwithstanding**
3 **IC 12-17.2-7-1, as added by this act, a person who, on June 30,**
4 **2003, met the definition of license exempt child care provider set**
5 **forth in IC 12-7-2-123.5, as added by this act, shall register with**
6 **the division not later than January 1, 2004.**

(Reference is to HB 1144 as introduced.)

and when so amended that said bill do pass.

Representative Brown C